

ORDINANCE NO. 1269

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LODI, CALIFORNIA, APPROVING THE TERMS AND CONDITIONS OF A MEMBER AGREEMENT BETWEEN NORTHERN CALIFORNIA POWER AGENCY AND CERTAIN PARTICIPATING MEMBERS, AND AUTHORIZING THE EXECUTION OF AND DELIVERY OF SAID AGREEMENT BY OFFICERS OF THE CITY OF LODI, CALIFORNIA.

WHEREAS, pursuant to the provisions of Chapter 5, Division 7, Title 1 of the Government Code of the State of California, as amended (the "Joint Powers Act"), the City of Lodi and certain other public agencies created pursuant to the laws of the State of California (collectively, the "Members"), have entered into a Joint Powers Agreement (the "Agreement"), as amended, creating the Northern California Public Agency (the "Agency"), a public entity separate and apart from the Members; and

WHEREAS, in accordance with the Agreement and the Joint Powers Act, the Agency has entered or will enter into agreements to acquire a project (the "Project") to consist of rights to capacity and energy from the North Fork Stanislaus River Hydroelectric Development Power Project, a hydroelectric project proposed to be constructed in the State of California, and capital improvements thereto that may be constructed from time to time, and interests in certain other properties and rights relating thereto; and

WHEREAS, the City of Lodi has need for an economical, reliable source of electric power and energy to meet the demands of the customers of its electric system, and, as such, has determined that it is desirable to enter into the Agreement for Construction, Operation and Financing of the North Fork Stanislaus River Hydroelectric Development Project (the "Member Agreement") in the form submitted to this City of Lodi and dated for convenience as of September 1, 1982, to purchase electric capacity and energy of the Project from the Agency; and

WHEREAS, this City Council finds and determines that it is in the

best interests of the customers of the electric system of the City of Lodi for the City of Lodi to purchase electric capacity and energy of the Project from the Agency;

NOW, THEREFORE^y the City Council of the City of Lodi does ordain as follows:

1. The City Council hereby finds and determines that the terms and conditions of the Member Agreement, including the Project Entitlement Percentage of the City of Lodi of 10.37 percent (10.37%) be, and the same are hereby, approved.

2. The Project Entitlement Percentage of the City of Lodi as set forth in Appendix A to said Member Agreement may be increased (to such percentage, not to exceed 10.37% percent (10.37%), as shall be determined by the City Council of the City of Lodi).

3. The Mayor and City Clerk are authorized to execute and deliver said Member Agreement by and on behalf of the City of Lodi.

4. Pursuant to Section 54241 of the Government Code of the State of California, this Ordinance is subject to the provisions for referendum applicable to the City of Lodi.

5. The City Clerk shall certify to the enactment of this Ordinance and shall cause this Ordinance to be published in accordance with Section 54242 of the Government Code of the State of California.

6. Thirty (30) days from and after 'its enactment, this Ordinance shall take effect and be in full force, in the manner provided by law.

ADOPTED by the City Council and s gned by the Mayor and attested

by the City Clerk this 15th day of September, 1982 by the following vote:

Ayes: Council Member - Olson, Snider, Pinkerton,
Murphy, and Reid (Mayor)

Noes: Council Member - None

Absent: Council Member - None

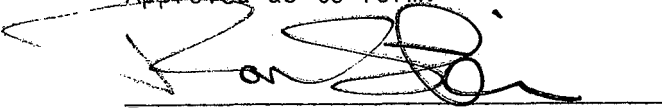


Mayor of the City of Lodi

Attest:


City Clerk of the City of Lodi

Approved as to form:


Ron Stein
City Attorney